

**Remarks/Arguments**

Claims 1 - 29 are pending.

Claims 1-29 stand rejected.

Claims 1, 3-5, 7, 9-10, 12-14, 16, 18, 28 and 29 are amended herein.

Claims 24-27 are canceled herein.

Reconsideration of this application is respectfully requested.

**Rejection of Claims 4-7, and 13-16 under 35 USC 112.**

Claims 4-7 and 13-16 stand rejected under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, Applicant has amended claims 3-5, and 7, and claims 12-14 and 16 to clarify the claimed invention. In view of this amendment Applicant submits the present claims fully meet the requirements of 35 USC 112; reconsideration and withdrawal of this rejection is respectfully requested.

**Rejection of Claims 1-20, 24 and 26-29 under 35 USC 102(b).**

Claims 1-20, 24, and 26-29 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sakuma (United States Patent No. 5,663,750). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. 102(b) recites:

A person shall be entitled to a patent unless - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States

Consistently, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See, M.P.E.P. §2131 citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In the present case, not every feature of the claimed invention is represented in the Sakuma reference.

For example, amended Claim 1 recites

A computer readable medium containing code for controlling operation of a processor associated with a printing device, the code being executable to perform a method comprising:

operating the printing device for printing on a print medium in a primary mode in which the printing device consumes toner at a given rate, from a supply of the toner;

operating the printing device in a selected one of a plurality of secondary print modes for printing on a print medium, the secondary print modes consuming the toner at different rates lower than the given rate associated with the primary print mode of the printing device, *the plurality of secondary print modes including a graphics only mode, wherein the rate of toner consumption only for graphics image data is reduced; and*

*switching operation of the printing device into a selected one of said plurality of secondary print modes. (emphasis added)*

Support for the present amendment may be found throughout the application, including for example, para. [0046] of the specification.

The Sakuma reference makes no mention whatsoever of operating the printing device in a *graphics only mode* where the rate of toner consumption for *only graphics image data* is reduced while text data remains unaffected. In contradistinction, Sakuma teaches reduced toner consumption modes that apply toner conservation uniformly, regardless of whether the data is graphics or text data. As Sakuma fails to disclose or even suggest a *plurality of secondary print modes including a graphics only mode, wherein the rate of toner consumption only*

*for graphics image data is reduced, the prior art of record does not anticipate nor render obvious independent Claim 1 as amended. Reconsideration and withdrawal of this 35 USC 102(b) rejection is respectfully requested.*

Dependent claims 3, 4, 5 and 7 as amended herein recite additional features that are neither disclosed nor suggested by Sakuma. Reconsideration and removal of the rejections as to dependent claims 2-8, depending ultimately from patentable base claim 1, is also requested.

In similar fashion, independent claim 9 as amended recites *inter alia said hierarchy of print modes including a graphics only mode, wherein the rate of toner consumption only for graphics image data is reduced.* For reasons discussed above with regard to claim 1, Applicant submits that Sakuma does not anticipate nor render obvious independent amended claim 9. Reconsideration and removal of this rejection is requested.

Independent claim 10 as amended recites *inter alia the plurality of secondary print modes including a graphics only mode, wherein the rate of toner consumption only for graphics image data is reduced.* For reasons discussed above with regard to claim 1, Applicant submits that Sakuma does not anticipate nor render obvious independent amended claim 10. Reconsideration and removal of this rejection is requested. Dependent claims 12, 13, 14, and 16 as amended herein recite additional features that are neither disclosed nor suggested by Sakuma. Reconsideration and removal of the rejections as to dependent claims 11-17 depending ultimately from patentable base claim 10 is also requested.

Independent claim 18 as amended recites *inter alia said hierarchy of print modes includes a graphics only secondary mode, wherein the rate of toner consumption only for graphics image data is reduced.* For reasons discussed above with regard to claim 1, Applicant submits that Sakuma does not anticipate nor render obvious independent amended claim 18. Reconsideration and removal of this rejection is requested. Dependent claims 19-23 depend ultimately from independent claim 18 and are likewise patentable. Reconsideration and removal of these rejections is also requested.

In similar fashion, independent claim 28 as amended recites inter alia *said hierarchy of print modes including a graphics only secondary mode, wherein the rate of toner consumption only for graphics image data is reduced.* For reasons discussed above with regard to claim 1, Applicant submits that Sakuma does not anticipate nor render obvious independent amended claim 28. Reconsideration and removal of this rejection is requested.

Independent claim 29 as amended recites inter alia *said secondary print modes including a graphics only mode, wherein the rate of toner consumption only for graphics image data is reduced.* For reasons discussed above with regard to claim 1, Applicant submits that Sakuma does not anticipate nor render obvious independent amended claim 29. Reconsideration and removal of this rejection is requested.

Claims 24-27 have been canceled herein without prejudice and subject to applicant's right to reintroduce said claims in this or in a continuing application. Accordingly, the rejections as to claims 24-27 are deemed moot.

**Rejection of Claims 21-23 and 25 under 35 USC 103(a) in view of Sakuma.**

Claims 21-23 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuma. Applicant traverses these rejections as to these dependent claims, for at least the reasons discussed hereinabove. Reconsideration and withdrawal of these rejections is requested.

Ser. No. 10/627,178  
Docket No. 200206559-1

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

Respectfully submitted,

Brett Green

By:

  
Edward J. Howard  
Registration No. 42,670

Plevy Howard, PC  
P.O. Box 226  
Fort Washington, PA 19034

Date: November 16, 2007

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

Nov. 16, 2007  
Date

Edna Schmittinger  
Name